IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20793 of 2004

Between:

M/s. NCL Industries Limited, Simhapauri, Nalgonda District,

Re-presented by its General Manager (Adm. & Mar), Mr.K.Chandrasekar.

..... PETITIONER

AND

1 The Assistant Commissioner (CT)Int., LTU, Nalgonda Division, Nalgonda.
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.
4 The Manager, Oriental Bank of Commerce, S.D.Road Branch, Secunderabad.
5 The Manager, Vijaya Bank, Bank Street, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing

the order of the 3rd Respondent in CCT's Ref.No.LIII(2)1912/2004 dated 30-10-2004 as unreasonable, unjustified, arbitrary and consequently direct the 1st Respondent to revoke the notice issue to the 4th & 5th Respondents for collection of disputed tax of Rs.2,74,19,553/- for the assessment year 2001-2002 & 2003-04 (APGST & CST) pending disposal of the appeals before the 2nd Respondent and pass.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAXES

Counsel for the Respondent No.4: --

Counsel for the Respondent No. 5: --

The Court, at the stage of admission, made the following:

ORAL ORDER: (Per: The Hon’ble Mr. Justice Bilal Nazki)

Stay applications, pending appeals, have been dismissed. In the meantime, the bank accounts of the petitioner have also been attached. After hearing the learned counsel for the parties, we feel that on payment of 50% of the liability, minus whatever amounts already had been paid, the appeals should be heard and the recovery is stayed. Therefore, we pass the order accordingly. However, learned counsel for the petitioner submits that since the bank accounts are already attached, petitioner will not be in a position to make any payments. So, in the interest of justice, if the attachment is also lifted the petitioner will be able to operate its bank account. Therefore, we lift the attachment and direct the petitioner to deposit the amounts, as directed herein above, within a period of six (6) weeks. For six (6) weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six (6) weeks.

With these directions, the writ petition is disposed of. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 16-11-2004

Pvks/*

Nb: Furnish operative portion by wire at party's cost.

B/o pvks/*

To

1 The Assistant Commissioner (CT)Int., LTU, Nalgonda Division, Nalgonda.
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.
4.2CCs to the Government Pleader for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

*Form-NIC-OGS/WP{**JA**}*